over 5,000, worked in senior centers; and 8.5 percent, over 4,000, worked in outreach and referral services.

At its February hearing on the food stamp and nutrition programs, the State director of aging in Ohio and the executive director of the Philadelphia corporation on aging told the Special Committee on Aging that they would have no way of replacing senior aids who are currently working in these programs.

Therefore, the loss of these community service jobs will threaten the ability of local agencies to continue to provide other services funded under the Older Americans Act.

In addition to these damaging facts, it is a serious human problem to neglect the important of employment opportunities to the economic security, the health, and the personal fulfillment of older Americans. Virtually every survey of older men and women indicates that a majority want to have the opportunity to continue some form of work. And an overwhelming majority—90 percent in the latest Harris poll released in November—favor abolishing the mandatory retirement age.

At the same time we are struggling to restore financial stability to the hard-pressed social security system, we are discouraging older workers who want to work from doing so.

The administration indicates training and employment should be the responsibility of the private sector. I agree that business and industry must play a far greater role in providing job opportunities for older people. But we face a long history of age discrimination, employment practices and pension policies which make it difficult—and sometimes impossible—for older workers to find jobs.

Merely saying that the private sector should play a greater role is not going to make it happen. We must educate employers so that they will recognize older workers for the essential resource they are to this Nation. As a matter of fact, with the declining number of younger workers projected for the decade ahead, we will need to have older workers stay on the job if we are to maintain our standard of living and improve our productivity.

One of the major contributions of the senior community services employment program is its demonstration of the significant contribution older workers can and do make to our society.

It is a program that has more than repaid the Federal Government's investment of tax dollars in benefits to our communities. I urge my colleagues to continue their strong support for the title V program and to join me in opposing its elimination.

AN OPEN LETTER TO THE PRESIDENT AND CONGRESS ON THE ECONOMY

Mr. RIEGLE. Mr. President, today in the Washington Post there is a full page advertisement, which is in the form of an open letter to President Reagan and Members of Congress, by the presidents of six major national organizations expressing their concern about the economy and urging an immediate effort to try to bring about an immediate course correction in economic planning.

I ask unanimous consent that the text of the ad be printed in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 3, 1982]

AN OPEN LETTER TO PRESIDENT REAGAN AND MEMBERS OF CONGRESS: MARCH 3, 1982

(Joint Statement of: American Bankers Association, Mortgage Bankers Association of America, National Association of Home Builders, National Association of Mutual Savings Banks, National Association of Realtors®, and U.S. League of Savings Associations.)

Prolonged high interest rates are creating an economic and financial crisis in this country. In order to bring interest rates down, immediate action must be taken to reduce massive federal budget deficits. More than anything else, it is the spectre of an overwhelming volume of deficit financing which haunts housing and financial markets and poses the threat of economic and financial conditions not seen since the 1930s.

Given these circumstances, there is no alternative to: (1) slowing down all spending, not excluding defense and entitlement programs; and, if necessary, (2) deferring previously enacted tax reductions or increasing taxes. In order to have the necessary impact on financial markets, these actions should be taken prior to any increase in the ceiling on the federal debt.

Even with these actions, the restoration of financial stability and safety will be a prolonged process. It is necessary, therefore, to adopt immediate but temporary measures to address the critical problems of the industries which finance, market and produce housing for American families. These industries have unfairly borne the brunt of destructively high interest rates. Unless immediate and effective short-run measures are adopted, the continued devastation of these industries will, directly and indirectly, aggravate the federal budget deficit and greatly increase the prospect of a general economic and financial crisis.

In times of past crises in this nation, our political leaders have come together in a bipartisan manner to develop effective solutions in the common interest. Our nation is at such a time now. There will be no political winners if the Administration and the Congress fail to accommodate differences and cooperate in dealing with current serious economic problems. The threat to our nation demands prompt, effective and bipartisan action.

Llewellyn Jenkins, *President, American Bankers Association;* James F. Aylward, *President, Mortgage Bankers Association;* Fred Napolitano, *President, National Association of Home Builders;* Robert R. Masterton, *Chairman, National Association of Mutual Savings Banks;* Julio S. Laguarta, *President, National Association of Realtors,* and Roy G. Green, *Chairman, U.S. League of Savings Associations.*

THE INTELLIGENCE IDENTITIES PROTECTION ACT

Mr. DURENBERGER. Mr. President, the debate on the Intelligence Identities Protection Act of 1981 is both important and, in a sense, inevitable. We are proposing to write new criminal law, and we know better than to rush into this with any sense of celebration.

The crux of this debate is the matter of intent in section 601(c). The Intelligence Identities Protection Act as reported has a specific intent standard that many people find especially alluring. I can sympathize with their desire to insure that the bill we pass will not penalize all Americans for the sins of a few would-be destroyers of our intelligence services. Like my colleagues, I have listened to the points made by news media, as well as those of constitutional scholars and civil libertarians. I understand their concern.

When you look at the actual language, however, the differences between the bill as reported and the language of the Chafee amendment are limited. Both versions are designed to put a stop to the leaking of intelligence identities and to the disclosure of such identities by persons whose purpose in life is to expose our intelligence officers and agents. Both attempt to do this without infringing upon the rights of the rest of us.

If you look at the report language, moreover, you find that both versions list similar actions that would not be subject to criminal sanctions. And the Chafee version, too, has an intent standard, although it is somewhat different from that in the bill as reported.

The committee report that discusses the Chafee language, No. 96-896, was issued in 1980 by the Select Committee on Intelligence. There is no legislative history in this session on the Chafee language, with the exception of some remarks on the House floor that were not intended to create a formal record.

I would like, therefore, to make the rest of my points in the form of a colloquy with the distinguished Senator from Rhode Island. To the extent that these points might be inconsistent with the language of Report No. 97-201, they would, if Senator CHAFEE's amendment is approved, supersede such language.

Is it your intent that pages 18 and 21-23 of Report No. 96-896 shall constitute the legislative history of this amendment?

Mr. CHAFEE. Yes, it is.

Mr. DURENBERGER. Both Report No. 97-201 and Report No. 96-896 state that:

The standard adopted in section 601(c) applies criminal penalties only in very limited circumstances to deter those who make it

their business to ferret out and publish the identities of agents. At the same time, it does not affect the First Amendment rights of those who disclose the identities of agents as an integral part of another enterprise such as news media reporting of intelligence failures or abuses, academic studies of U.S. government policies and programs, or a private organization's enforcement of its internal rules.

Report No. 97-201, however, adds a caveat that was not in Report No. 96-896:

Provided it is not done so in the course of an effort to identify and expose such agents with the intent to impair or impede the foreign intelligence activities of the United States.

Am I correct in my understanding that this caveat is not required with the Chafee amendment, because of the nature of the intent requirement in that language?

Mr. CHAFEE. That is correct.

Mr. DURENBERGER. Under the Chafee amendment, there would be three elements of proof not found in sections 601 (a) or (b). The United States must prove

That the disclosure was made in the course of a pattern of activities, i.e., a series of acts having a common purpose or objective;

That the pattern of activities was intended to identify and expose covert agents; and

That there was reason to believe such activities would impair or impede the foreign intelligence activities of the United States.

Note that it is the pattern of activities that must be intended to identify and expose covert agents. This more objective requirement makes it clear that the defendant must be engaged in a conscious plan to seek out undercover intelligence operatives and expose them in circumstances where such conduct would impair U.S. intelligence efforts. Report No. 96-896 had some important language regarding this conscious intent:

It is important to note that the pattern of activities must be intended to identify and expose such agents. Most laws do not require intentional acts, but merely knowing ones. The difference between knowing and intentional acts was explained as follows in the Senate Judiciary Committee report on the Criminal Code Reform Act of 1980:

As the National Commission's consultant on this subject put it, "it seems reasonable that the law should distinguish between a man who wills that a particular act or result take place and another who is merely willing that it should take place. The distinction is drawn between the main direction of a man's conduct and the (anticipated) side effects of his conduct." For example, the owner who burns down his tenement for the purpose of collecting insurance proceeds does not desire the death of his tenants, but he is substantially certain (i.e., knows) it will occur.

A newspaper reporter, then, would rarely have engaged in a pattern of activities with the requisite intent "to identify and expose covert agents." Instead, such a result would ordinarily be "the (anticipated) side effect of his conduct."

This crucial distinction between the main direction of one's conduct and the side-effects that one anticipates but allows to occur, because of one's other goals, forms an important safeguard for civil liberties. The amendment before us would bring that safeguard into play, would it not?

Mr. CHAFEE. Yes it would, Senator DURENBERGER, and that is one reason why I believe that my version is actually better for civil liberties than the bill as reported out of committee.

Mr. DURENBERGER. Because the intent standard in this amendment is an intent "to identify and expose covert agents," rather than an intent "to impair or impede the foreign intelligence activities of the United States," it is crystal clear that the fact that a journalist had written articles critical of the CIA which did not identify covert agents could not be used as evidence that the intent standard was met. Is that not correct?

Mr. CHAFEE. That is indeed correct, and it is a major reason why I introduced this language in 1980, to replace the "intent to impair or impede" standard that the CIA had originally proposed. The Department of Justice was very concerned that a subjective intent standard could have a chilling effect on public debate regarding intelligence, and I shared this concern.

The intent standard in the bill as reported by the Judiciary Committee last year is somewhat different from that in the bill as introduced in 1980, but I still feel that my language establishes more clearly than theirs the crucial point that a person's views regarding intelligence policy cannot be used to convict him. His or her acts are what matter.

Mr. DURENBERGER. Both Report No. 96-986 and Report No. 97-201 contain some very important language indicating what activities are—and are not—meant to be considered criminal acts:

To meet the standard of the bill, a discloser must be engaged in a purposeful enterprise of revealing names—he must, in short, be in the business of "naming names."

The following are illustrations of activities which would not be covered:

An effort by a newspaper to uncover CIA connections with it, including learning the names of its employees who worked for the CIA.

An effort by a university or a church to learn if any of its employees had worked for the CIA. (These are activities intended to enforce the internal rules of the organization and not identify and expose CIA agents.)

An investigation by a newspaper of possible CIA connections with the Watergate burglaries. (This would be an activity undertaken to learn about the connections with the burglaries and not to identify and expose CIA agents.)

An investigation by a scholar or a reporter of the Phoenix program in Vietnam. (This would be an activity intended to investigate a controversial program and not to reveal names.)

Am I correct in my understanding that the approval of this amendment would in no way change the fact that it is the intent of Congress to exclude such activities from the coverage of this act?

Mr. CHAFEE. You are correct.

Mr. DURENBERGER. Report No. 96-896 emphasizes that:

The government, of course, has the burden of demonstrating that the pattern of activities was with the requisite intent to identify and expose covert agents. The government's proof could be rebutted by demonstrating some alternative intent other than identification and exposure of covert agents.

Looking at recent cases, there have been a number of press stories naming persons allegedly involved in Wilson and Terpil's activities with Libya. It would seem to me that such stories would be protected, even though they might identify covert agents, because their intent is to investigate possible involvement of CIA personnel in illegal—or at least highly controversial—activities.

Similarly, David Garrow's recent book, "The FBI and Martin Luther King, Jr.: From 'Solo' to Memphis," purports to name some covert agents. Now I am not thrilled by that act on Garrow's part, and I am not sure that he had to do it. But he was sure he had to, and clearly his intent was to explain what drove the FBI to wiretap Martin Luther King, rather than to identify and expose covert agents.

In both of these cases, the proposed amendment would not threaten the authors, because the exposure of any covert agents would be the anticipated side effect of their disclosures, rather than the main direction of their efforts. Is that not the case?

Mr. CHAFEE. You state the case correctly, Senator DURENBERGER, although I, too, am disturbed by Mr. Garrow's book.

Mr. DURENBERGER. In fact, this amendment would leave unchanged the rights of all sorts of people to say what they want, so long as they did not engage in such a pattern of activities intended to identify and expose covert agents.

Thus, gadflies and radicals, as well as more responsible individuals, may continue to engage in all manner of investigations to try to prove this or that about the CIA. So long as the main direction of their conduct is those investigations, the Government would be hard put to demonstrate that their intent was to identify and expose covert agents, is that right?

Mr. CHAFEE. That is right, and it is an important point. We are not merely protecting our friends who write for the Providence Journal or the Minneapolis Tribune. If this amendment is approved, nobody need fear prosecution other than those in the business of naming names.

Mr. DURENBERGER. Report No. 96-896 goes on to state that:

The government must also show that the discloser had reason to believe that the activities would impair or impede the foreign intelligence activities of the United States. For example, a reporter could show that by printing a name of someone commonly known as a CIA officer he could not reasonably have expected that such disclosure

would impair or impede the foreign intelligence activities of the United States.

This is an important point, for some people might think that it would suffice for the Government to claim that such a disclosure would impair or impede its foreign intelligence activities. But the word reasonably makes clear that there is room for a discloser to argue that the Government's claim was unjustified.

A Government warning to a news reporter that a particular intended disclosure would impair or impede our foreign intelligence activities might prevent the reporter from later arguing that such a consequence never occurred to him. But he could still contest the logic of that warning and use that as a defense in any legal proceeding, could he not?

Mr. CHAFEE. Yes, he could. The reason to believe standard does not mean that the Government can simply assert that a disclosure will impair or impede foreign intelligence activities. As report No. 96-896 says:

A discloser must, in other words, be in the business, or have made it his practice, to ferret out and then expose undercover officers or agents where the reasonably foreseeable result would be to damage an intelligence agency's effectiveness.

Mr. DURENBERGER. Mr. President, I thank the distinguished Senator from Rhode Island for his patience and cooperation. I believe that our colloquy has demonstrated my basic point, that this bill will be limited in its focus, as much in the amended version as it is in the version reported out of committee.

In light of that essential fact, I see no bar to our adopting the language that the administration clearly prefers. They feel that the version passed by the Select Committee on Intelligence in 1980 will do a better job.

I, in turn, believe that Senator CHAFEE's careful drafting and his participation in this colloquy will go far to insure against the sort of abuses that some people fear will occur.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AFGHANISTAN DAY

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Senate Joint Resolution 142, which the clerk will state by title.

The bill clerk read as follows:

A joint resolution (S.J. Res. 142) to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Pennsylvania (Mr. SPECTER).

Mr. SPECTER. Mr. President, Senate Joint Resolution 142, "to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, to protest the occupation of their country by Soviet forces," represents a bipartisan effort by the U.S. Congress with the international cooperation of the North Atlantic Assembly.

My personal participation in this matter began when I attended the North Atlantic Assembly meeting in Munich last October. I was requested, along with Congressman ELLIOTT LEVITAS of Georgia, to take the lead in sponsoring a resolution declaring March 21, 1982 as Afghanistan Day. That date was chosen because it is the day which Afghan people traditionally celebrate their New Year.

I was pleased to join in this effort because it is my view that the situation in Afghanistan presents a unique opportunity for the freedom-loving nations of the world to unite in condemning Soviet aggression.

At the present time, Soviet insurgence and Soviet adventurism is taking place in many nations of the world, but in most situations the actual level of Soviet influence is subject to substantial dispute. The underlying factual issue—stated simply, "Who is right and who is wrong?" is not raised in Afghanistan, which represents a uniquely clear-cut situation.

We are all aware of conditions in Poland where debate still rages as to the extent of Soviet involvement. There are many other countries in the world where Soviet influence is suggested to be particularly prevalent, such as El Salvador, Cuba, Guatemala, Angola, Zimbabwe, Libya, Chad, Jordan, Syria, Iraq, North Korea, Laos, Cambodia, and Vietnam.

But, unlike the Afghan situation, in many of these countries, there is substantial controversy as to whether the Soviets are conclusively wrong in their actions. And, while many of us feel that they are wrong in many, if not all, of those situations, no one can deny the gross impropiety of the Soviet action in Afghanistan.

Soviet aggression in Afghanistan led the United Nations General Assembly to pass a resolution on October 18, 1981, by the overwhelming vote of 116 to 23, with 12 abstentions, calling for "the immediate withdrawal of the foreign troops from Afghanistan." And, on December 16, 1981, the European Parliament acted to commemorate March 21, 1981, as Afghanistan Day, with 237 of the 434 members signing the resolution.

This exemplifies the kind of solid support which, obviously, can be mustered on an issue which is as clear cut and as plain as the Soviet invasion of Afghanistan. This is the kind of support that we should utilize, therefore, to build upon with as many nations of the world as possible.

It was over 2 years ago, on December 24, 1979, that the Soviet Union launched a full-scale invasion of Afghanistan. Within 72 hours, Soviet troops had successfully executed a violent coup in Kabul, overthrowing the independently oriented Amin and his regime. The Soviets replaced the Amin Government with the puppet regime of Babrak Karmal. Rarely in recent history has the world witnessed such harsh and inhumane aggression against any nation or its people.

In other parts of the world, the situations are more ambiguous, as already noted, than that which exists in Afghanistan. In Afghanistan, the brutality of Soviet oppression is unrivaled throughout the world.

What is most amazing about the tragedy in Afghanistan, however, has been the powerful and heroic resistance of the Afghan freedom fighters. None of the Soviet tactics—neither the search and destroy missions, the massacres, the napalm, nor the explosive mines—have diminished the resistance of the Afghan freedom fighters. Through the installation of over 80,000 troops, the creation of a puppet government and active use of terrorist tactics, the Soviet Union has maintained a death grip on Afghanistan, and yet the courageous Afghan freedom fighters continue to struggle against all odds.

Soviet brutality has exacted a great toll on the Afghan people. Starvation and massacre have taken many thousands of lives. And, by this point, over 2,500,000 Afghans have fled their homeland to become refugees in Pakistan.

We cannot know when this tragedy will end. We can only hope that with the passage of time, the Afghan people will be successful in their historic struggle to regain control of their homeland and live in peace.

With the passage of this resolution, we hope to send a clear message around the world. It is my deep hope that Afghanistan Day will be recognized by the Soviets as notice that such aggression will not be tolerated and can only damage the interests of the Soviets themselves.

By joining together to pay a special tribute to the tenacious Afghan freedom fighters, who continue to fight relentlessly and courageously for peace, we convey our support for all people around the world who fight against the bonds of tyranny and oppression.

Mr. GRASSLEY. Mr. President, as a cosponsor of Senate Joint Resolution 142, I am pleased to see the Senate take such prompt action to consider the measure, which would authorize the President to declare March 21, 1982, as Afghanistan Day. This would interface with the European Community's designation of March 21 as Afghanistan Day and, with the cooperation of Third World countries, would